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Planning Division

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MEMORANDUM

TO: Common Council
FROM: Planning Division Staff
DATE: March 7, 2011
SUBJECT: Plan Commission-Recommended Zoning Code Issues for **Future** Discussion

During its review of the draft zoning code, the Plan Commission determined that the adoption of the new code should not be delayed by certain issues that needed more work and could be proposed as amendments if needed in the future; some of these issues involve conflicts with other regulations, others need more research and input, and some should be handled outside the zoning code. These issues are listed below, noting the page and issue numbers where they appear in the May 2010 Staff Memoranda which can be found at the following link:

<http://www.cityofmadison.com/neighborhoods/zoningrewrite/documents.cfm>

Memorandum 1

Page 2 # 5 Private Streets

5. Medium to High Density Residential Districts, Traditional Employment, Neighborhood Mixed-Use, Traditional Shopping Streets, and Traditional Residential Planned should allow frontage on private streets to encourage sustainable-designed residential streets (i.e. woonerfs, spiegelstrasse, etc.)

Staff recommend: Future. Zoning code does not prohibit this, these are further regulated by subdivision ordinance and fire access requirements. PDD District could allow these.

Page 4 #2 Permitted, Conditional and Prohibited Uses of Accessory Buildings

Supplemental Regulations

2. Page 167, **181** [Section 28.155(1)(c)] be amended to define permitted, conditional, and prohibited uses of accessory buildings based on specific functions and effects (for example, noise levels) rather than commercial versus non-commercial uses.

Staff recommend: Future. Existing ordinance does not allow the use of an accessory building in

support of a home-based business. Current approach in draft code allows use of accessory building in support of a home-based business to be reviewed as a conditional use. An approach could be crafted to further differentiate which types of business activity require further review beyond permitted use allowances. For example, use of an accessory building for a professional office during typical business hours could be permissible, where production, processing, or storage of materials that creates smoke, fire, dust, noise, etc. or business activity being conducted at non-traditional hours could be reviewed as conditional use. This issue could be addressed at this time, or could be appropriately detailed in a future amendment to the code.

Page 7#6 Bus Stops at Airports

Special Districts

Page 85, 91 [Section 28.095] Airport District

6. Bus stop locations (for convenient access to Metro service) or access to other multi-modal transit should be made clear in this sub-section.

Staff recommend: Future

Page 7#12 Bicycle Parking

General Regulations

[Section 28.141(4)] Parking and Loading Standards

12. Page 134, 147 [Section 28.141(4)(c)] When bicycle parking is required, the parking minimums should be increased to something greater than 2, where appropriate.

Staff recommend: Future

Page 11 (j) Bicycle Stall Parking (referred to Pedestrian, Bicycle and Motor Vehicle Commission for post adoption discussion)

j) Support a wheel and frame in the center of the bicycle parking stall (no overlap), keeps wheel and frame in a single plane and prevents rotation of the bicycle when placed in the rack.

Staff recommend: More Discussion. The Plan Commission should consider that this comment is very prescriptive, and will make many of the acceptable racks installed today nonconforming. Certain rack styles that result in bicycle overlap (for example, inverted "U" or lollipop) work well and fit into urban sites and or at places where a minimum of two bike parking spaces is required. (Post-code adoption-Pedestrian, Bicycle and Motor Vehicle Commission).

Page 13 #24 Low Wheel Base Bicycles

24. Fact: Ordinance does not address long-wheelbase bicycles, tricycle recumbent, cargo bikes, trailers, or associated storage needs.

Staff recommend: Future.

Page 15 # 7. I Brick Size

i) Brick size should be differentiated standard versus large brick sizes (standard versus utility for example). Encourage use of standard brick versus large, should be based on some coherence in brick size based on context with existing buildings.

Staff recommend: Future. While brick size specifications may need to be revisited, it is difficult to create a new regulatory framework for the use of brick at this time.

Page 16 #`11 (a) – c) Frontage Requirements

Page 49, 52 [Section 28.063] Traditional Shopping Street District

11. Page 51, 54 [Section 28.063(6)] Frontage Requirements

a) Adjust building placement based on width of available terrace. Less terrace, more setback, more terrace, little to no setback. Need to incorporate sidewalk width to interplay with setback requirement.

b) Need flexibility but want buildings to hold corner.

c) Need real data to guide setback requirements for fixed versus flexed frontage as provided on Page 51, (54).

Staff recommend: Future. These are good ideas related to preparing a more dynamic set of rules for setbacks as related to various conditions in the right-of-way. (Future after code adoption).

Page 17 #15 Parking Bay Design

15. Page 70, 75 [Section 28.084 (3)(a)] Suburban Employment District Parking Placement Provide diagram with width and length of bay. Screening requirements? (Richard Slayton)

Staff recommend: Future

Page 18 #24 a) Off-Street Parking Requirements

General Regulations

Section 28.141 Parking and Loading Standards

24. Page 135, 147 Table 28J-3 Off Street Parking Requirements

a) Minimum and maximum standards needed for moped parking. Define need for more moped parking in certain districts on and near campus.

Staff recommend: Future. Perhaps moped minimums and maximums would be useful to include in some downtown districts, or as part of Campus Institutional Master Plans, but staff believe that their treatment in the draft (where moped stalls of specific dimensions may be used to substitute for automobile stalls) is adequate. (Post-adoption discussion –Referred to Pedestrian, Bicycle and Motor Vehicle Commission)

Page 18 #25 b) Minimum Parking Waivers and Reductions

b) **Page 140, 153** The waiver to reduce bike parking with public parking spaces within 300-feet should qualify if location is "directly" in front of.

Staff recommend: Staff supports the recommendation by the LRTPC for a revised bike parking reduction process. (Post-code adoption)

Page 19 #34 Reexamine Plant Size (gallon size)

34. Page 150, 163 [Section 28.142(5)] Reexamine the use of gallon size reference for plant size

Staff recommend: Future. The gallon size reference seems to be a common industry standard, but staff would not oppose a different standard.

Page 20 #37 Landscaping

37. Page 150, 163 [Section 28.142(6)(a)]

a) The ratio of tree/shrub planting in overplanting; five shrubs too much and doesn't take into account the use of grasses. Should consider the use of percent of required coverage instead.

b) Development Frontage Landscaping should be reworded, "One (1) overstory deciduous tree and a *minimum* of five (5) shrubs shall be planted for each *thirty.....sufficient shrub numbers and spacing should allow for continuous foliage cover at mature size.*" I suggest something to this effect, some shrubs may only spread 2-3', others could spread 5 or 6'. Some ordinances provide an opacity factor, but I think this would be hard to enforce. (Harrington)

Staff recommend: Future. While this may need to be revisited, it is unclear what, if any, exact

changes would be best.

Page 20-21 #38, Landscaping

Plan Commission Recommend: Staff to prepare a plant species list prior to zoning map adoption.

Page 21#40 Interior Parking Lot Landscaping

40. Page 151, 164 [Section 28.142(7)(b)] Interior Parking Lot Landscaping – Island Plantings

- a) Examine tree island requirement based on canopy coverage.
- b) The provision that requires "at least one deciduous canopy tree for every 160 square feet of landscaped area", should be 120 square feet.
- c) The primary plant material shall be shade trees with at least one deciduous canopy tree for every 160 sq. ft. of landscaped area. This should be increased to 1 for every 140 sq. ft. or, even better, 120 sq. ft. This would also ensure two trees per larger islands that extend nearly two car stalls. (Harrington)
- d) Provide a minimum of two canopy trees in double length tree islands.
- e) Need to provide for tree island design and layout to encourage the staggering of trees.

Staff recommend: Future. Items (a) – (e) above may need to be further explored.

Page 23 #33 Urban Design Commission Procedures

44. Procedural Comments pertaining to the UDC

- a) Strengthen City Staff's ability to reject incomplete submittals. We see far too many submittals that simply are not ready for the committee to consider. Last second surprises are a sure recipe for referral which wastes everyone's time. (Smith)
- b) Increase the lead time for submittals. The City Staff should have enough time to examine submittals and allow the applicant to make changes and or updates well before the committee meets. (Smith)
- c) Increasing the interval between submittal and hearing will allow the public and the press time to fully understand the applicant's project and make better and more useful comment. (Smith)
- d) The committee needs to be quicker to refer items that are incomplete and or have not supplied information that has been repeatedly asked for. After the second or third meeting without the requested information the item should be tabled indefinitely until the information is provided. The applicant is causing the delay, not the committee. Not fair. (Smith)

Staff recommend: Future. These issues may be able to be addressed procedurally, or in MGO Ch. 33.

Page 33 #61 Parking Spill-over

61. Page 133, 145 [Section 28.141] Discussion notes that districts where inadequate parking is most likely to result in spill-over into neighborhoods are already recommended as having no minimum parking requirement.

Staff recommend: Future

Page 34 #64-65 Moped Parking

64. Page 140, 153 [Section 28.141] Likes approach of being able to substitute moped for automobile parking

Staff recommend: No change.

Page 34 #65. Page 140, 153 [Section 28.141] New code should include a moped parking requirement.

Staff recommend: Future. Perhaps moped minimums and maximums would be useful to include in some downtown districts, or as part of Campus Institutional Master Plans, but staff believe that their treatment in the draft (moped stalls of specific dimensions may be used to substitute for automobile stalls) is adequate.

Page 36 #91 Parking

91. Put retrofitting parking lots on the unresolved issues list.

Staff recommend: Future

Page 36#92 Variance

92. Zoning variance standards don't address "atrocities".

Staff recommend: Future

Page 42 #42 Accessory Dwelling Units

42. Page 106, 118 [Section 28.108] Could tight design standards be used to allow ADUs to be permitted on corner lots and larger lots?

Staff response: This would be a departure from the current draft zoning code, which provides for allowing ADUs as overlay districts with certain requirements. However, within the unique list of requirements developed for a particular ADU overlay district, there could be different standards for corner or larger lots.

Page 43 #45. Create Lakefront Vegetation Removal and Replacement Standards.

45. Page 130, 142 [Section 28.138] Lakefront Development

The Plan Commission asked staff to draft lakefront vegetation and replacement standards (post code adoption, pre-map adoption).

Page 44 #48 Parking

48. Page 148, 161 [Section 28.142] Parking lot grant program. Could it be by size, number of stalls?

Staff response: Future. The creation of a parking lot improvement grant program would be separate from the zoning code.

Page 44 # 49 Landscaping

49. Page 149, 162 [Section 28.142] Should we prohibit plants rather than prescribing a plant list?

Staff response: Future. Perhaps a prohibited plant list and a suggested plant list could be developed and provided within the code.

Page 45 # 55 -56 Procedures – EDC Process , Page 45 #57 Procedures –EDC Process

55. Page 197, 215 [Section 28.181] Table 28M-2 Should the 200-foot notice requirement be expanded?

Staff response: No change, although this could be expanded upon Common Council approval.

56. Page 197, 215 [Section 28.181] Table 28M-2 Are there other non-paper forms of notice rather than the 200 foot requirement?

Staff response: For demolition requests, a public notification list serve has been created for anyone interested in knowing in advance where demolitions will be proposed. Aside from this, all notices required in this code are on paper. Neighborhood Associations and Alders may have other ways of

disseminating notices.

57. Page 202, 220 [Section 28.183] Can the list of people who can appeal conditional use permits be expanded?

Staff response: No change, although this could be expanded upon Common Council approval.

Page 46 #74 Landscaping

74. Page 240, 263 Screening, Is there a need for adding “opacity of screening fences”?

Staff response: Future.

Page 47 #83 Streets

83. Can the street width drive the setback?

Staff response: Future. There has been a lot of discussion regarding setbacks, and the potential that they be developed based on characteristics of the public right-of-way (street width, on-street parking, presence of street trees, etc.)

Page 49 #96 Homeless Housing

96. Where would homeless housing be allowed?

Staff response: Mission houses would be permitted in all mixed-use and commercial districts, and permitted in residential districts if in conjunction with a religious institution as the principal use. (Future after code adoption).

Memorandum 2

Page 26 #86

86. Page 197 [Section 28.181 Table 28M-2] Notice Clarification
Page 213

Staff recommend that under “Prior to Filing Application,” expand the final sentence(new language underlined) to note that failure to provide the mailed OR EMAILED notification does not invalidate any action taken by the Plan Commission or Common Council.

Page 27 #91 Temporary Use Permit

91. GENERAL RECOMMENDATION: Establish Provision for Temporary Use Permit

Staff recommend that a new permit type, a Temporary Use Permit, be added to the Procedures section, along with a corresponding fee and fee schedule. A temporary use could be defined as a use for a maximum of 180 days per calendar year that does not involve a permanent alteration to the site or the construction or alteration of any permanent structure. Staff believe that issuance of a temporary use permit would not require a site to be brought up to compliance with all regulations. Staff anticipate this would be an administrative approval. (Post-code adoption-pre-map adoption).

Other Issues to be Addressed Post-Code Adoption

- Prepare a memorandum on conditional use standards for additional building height. (post-code adoption, pre-map adoption)
- Transportation Demand Management Plans—Long-range Transportation Planning Committee
- Definition of mixed-use
- Management plans for cooperative housing, agriculture operations of a certain size